



House of Representatives

General Assembly

File No. 147

January Session, 2011

House Bill No. 6464

House of Representatives, March 22, 2011

The Committee on Housing reported through REP. BUTLER of the 72nd Dist., Chairperson of the Committee on the part of the House, that the bill ought to pass.

AN ACT CONCERNING THE POSSESSIONS OF EVICTED TENANTS.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Section 47a-42 of the general statutes is repealed and the
2 following is substituted in lieu thereof (*Effective October 1, 2011*):

3 (a) Whenever a judgment is entered against a defendant pursuant to
4 section 47a-26, 47a-26a, 47a-26b or 47a-26d for the recovery of
5 possession or occupancy of residential property, such defendant and
6 any other occupant bound by the judgment by subsection (a) of section
7 47a-26h shall forthwith remove himself or herself, such defendant's or
8 occupant's possessions and all personal effects unless execution has
9 been stayed pursuant to sections 47a-35 to 47a-41, inclusive. If
10 execution has been stayed, such defendant or occupant shall forthwith
11 remove himself or herself, such defendant's or occupant's possessions
12 and all personal effects upon the expiration of any stay of execution. If
13 the defendant or occupant has not so removed himself or herself upon
14 entry of a judgment pursuant to section 47a-26, 47a-26a, 47a-26b or
15 47a-26d, and upon expiration of any stay of execution, the plaintiff

16 may obtain an execution upon such summary process judgment, and
17 the defendant or other occupant bound by the judgment by subsection
18 (a) of section 47a-26h and the possessions and personal effects of such
19 defendant or other occupant may be removed by a state marshal,
20 pursuant to such execution, and delivered to the place of storage
21 designated by the chief executive officer for such purposes.

22 (b) Before any such removal, the state marshal charged with
23 executing upon any such judgment of eviction shall give the chief
24 executive officer of the town twenty-four hours notice of the eviction,
25 stating the date, time and location of such eviction as well as a general
26 description, if known, of the types and amount of property to be
27 removed from the premises and delivered to the designated place of
28 storage. Before giving such notice to the chief executive officer of the
29 town, the state marshal shall use reasonable efforts to locate and notify
30 the defendant of the date and time such eviction is to take place and of
31 the possibility of a sale pursuant to subsection (c) of this section. Such
32 notice shall include service upon each defendant and upon any other
33 person in occupancy, either personally or at the premises, of a true
34 copy of the summary process execution. Such execution shall be on a
35 form prescribed by the Judicial Department, shall be in clear and
36 simple language and in readable format, and shall contain, in addition
37 to other notices given to the defendant in the execution, a conspicuous
38 notice, in large boldface type, that a person who claims to have a right
39 to continue to occupy the premises should immediately contact an
40 attorney, and clear instructions as to how and where the defendant
41 may reclaim any possessions and personal effects removed and stored
42 pursuant to this section, including a telephone number that may be
43 called to arrange release of such possessions and personal effects.

44 (c) Whenever the possessions and personal effects of a defendant
45 are removed by a state marshal under this section, such possessions
46 and effects shall be delivered by such marshal to the designated place
47 of storage. Such removal, delivery and storage shall be at the expense
48 of the defendant and the plaintiff shall provide the chief executive
49 officer with copies of any receipts associated with the cost of such

50 removal and delivery. If such possessions and effects are not reclaimed
51 by the defendant and the expense of such storage is not paid to the
52 chief executive officer within fifteen days after such eviction, the chief
53 executive officer shall sell the same at public auction, after using
54 reasonable efforts to locate and notify the defendant of such sale and
55 after posting notice of such sale for one week on the public signpost
56 nearest to the place where the eviction was made, if any, or at some
57 exterior place near the office of the town clerk. The chief executive
58 officer shall deliver to the defendant the net proceeds of such sale, if
59 any, after first deducting a reasonable charge for storage of such
60 possessions and effects and then reimbursing the plaintiff for the cost
61 of removal and delivery of such possessions and effects based on the
62 provided receipts. If the defendant does not demand the net proceeds
63 within thirty days after such sale, the chief executive officer shall turn
64 over the net proceeds of the sale to the town treasury.

This act shall take effect as follows and shall amend the following sections:

Section 1	October 1, 2011	47a-42
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HSG *Joint Favorable*

The following Fiscal Impact Statement and Bill Analysis are prepared for the benefit of the members of the General Assembly, solely for purposes of information, summarization and explanation and do not represent the intent of the General Assembly or either chamber thereof for any purpose. In general, fiscal impacts are based upon a variety of informational sources, including the analyst's professional knowledge. Whenever applicable, agency data is consulted as part of the analysis, however final products do not necessarily reflect an assessment from any specific department.

OFA Fiscal Note

State Impact: None

Municipal Impact:

Municipalities	Effect	FY 12 \$	FY 13 \$
All Municipalities	STATE MANDATE - Cost	Less than \$10,000	Less than \$10,000

Explanation

A municipality will incur a minimal cost to reimburse a landlord for removal and delivery expenses in instances when auction proceeds from the sale of an evicted tenant's possessions and personal property exceed the municipality's reasonable storage costs. Since auction proceeds typically do not exceed the reasonable costs of storage it is anticipated that aggregate payments in any given municipality will be less than \$10,000 a year.

Each year approximately 2,200 tenants remain in their dwellings at the end of an eviction process. Storage costs of \$10-\$15 a day are incurred for at least fifteen days (minimum cost of \$150 - \$225). Average costs to remove an evictee's property are estimated at \$400 - \$600.

The Out Years

The annualized ongoing fiscal impact identified above would continue into the future subject to inflation.

OLR Bill Analysis**HB 6464*****AN ACT CONCERNING THE POSSESSIONS OF EVICTED TENANTS.*****SUMMARY:**

This bill requires towns to reimburse landlords for expenses incurred to remove and deliver dispossessed tenants' personal property to the town's designated storage facility. Towns must reimburse landlords, after deducting storage costs, from any money they receive from tenants who come to claim their property or from proceeds of the sale of the property if tenants fail to claim it within the statutory time period. To receive reimbursement, a landlord must provide the town's chief executive officer with copies of receipts associated with removal and delivery.

EFFECTIVE DATE: October 1, 2011

BACKGROUND***Removal and Sale of Unclaimed Property***

A landlord who obtains an eviction judgment against a tenant can request permission to execute it by having a state marshal remove the tenant's property from the leased premises. A marshal's execution notice must include instructions on how and where the tenant can reclaim his or her property, including a telephone number for arranging its release. If the former tenant does not claim the property and reimburse the town for storage expenses within 15 days after eviction, the chief executive officer can sell it at public auction after attempting to locate the owner and noticing the sale. He or she must give the former tenant the proceeds after deducting the town's storage costs. If the tenant does not claim the remaining proceeds after 30 days, they are deposited in the town treasury.

COMMITTEE ACTION

Housing Committee

Joint Favorable

Yea 11 Nay 0 (03/10/2011)